

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CP III RINCON TOWERS, LLC, :
: Plaintiff, : 10-CV-4638 (JMF)
-v- :
: :
RICHARD D. COHEN, : ORDER
: Defendant. :
: :
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JESSE M. FURMAN, United States District Judge:

As discussed on the record during the telephone conference held earlier today, the Court orders as follows:

1. Plaintiff's motion regarding preclusion is DENIED without prejudice to renewal.
2. The parties shall meet and confer in an effort to reach agreement on a stipulation of undisputed facts and, no later than **November 23, 2020**, shall submit a joint stipulation and proposed order identifying any facts upon which they can agree.
3. **By the same date**, the parties shall submit a joint letter identifying any facts that remain in dispute and proposing a path forward for resolving the disputes (such as referral to Magistrate Judge Wang for assistance in reaching agreement; litigation, whether through a renewed pretrial motion or as part of trial; or a combination thereof).
4. In their joint letter, the parties shall also indicate whether they believe additional discovery is necessary and whether a conference would be appropriate. If additional discovery is necessary, the letter should (1) indicate the scope and proposed schedule for such discovery; and (2) include, as an attachment, a proposed Case Management Plan using the form available at <https://www.nysd.uscourts.gov/hon-jesse-m-furman>.

The Clerk of Court is directed to terminate ECF No. 131.

SO ORDERED.

Dated: October 22, 2020
New York, New York


JESSE M. FURMAN
United States District Judge